

49D05-2102-PL-006706

Marion Superior Court 5

Filed: 2/25/2021 9:51 AM
Clerk
Marion County, Indiana

STATE OF INDIANA)
) SS: IN THE MARION COUNTY SUPERIOR COURT
COUNTY OF MARION) CIVIL DIVISION
) CASE NO:

ROBERT SIMPSON,)
)
Plaintiff,)
)
v.)
)
APEX EXPRESS, INC. d/b/a)
CORDELL TRANSPORTATION)
COMPANY, LLC,)
)
Defendant.)

SUMMONS

TO DEFENDANT: Apex Express, Inc.
c/o Lori Van Opstal, President
2942 Boulder Avenue
Dayton, OH 45414

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you by the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by your or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

If you need the name of an attorney, you may contact the Indianapolis Bar Association Lawyer Referral Service (269-2222) or the Marion County Bar Association Lawyer Referral Service (634-3950).

Dated 2/25/2021

Angela A. Edwards
Clerk, Marion Circuit / Superior Court



(The following manner of service of summons is hereby designated.)

X Registered or certified mail.

John H. Haskin (7576-49)
Bradley L. Wilson (21154-49)
Shannon L. Melton (29380-49)
Attorneys for Plaintiff

JOHN H. HASKIN & ASSOCIATES
255 North Alabama Street, 2ND Floor
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 Defendant.)

COMPLAINT AND DEMAND FOR JURY TRIAL

1. Plaintiff, Robert Simpson ("Simpson"), brings this action against Defendant, Apex Express, Inc. d/b/a Cordell Transportation Company, LLC ("Defendant"), for unlawfully violating his rights as protected by Indiana common law.

PARTIES

2. Simpson has resided within Hancock County, Indiana, at all relevant times.
3. Defendant is a corporation doing business within Marion County, Indiana.

JURISDICTION AND VENUE

4. This Court has jurisdiction over Simpson's Indiana common law claim.
5. Venue is proper in this Court.

FACTUAL ALLEGATIONS

6. Defendant initially hired Simpson to be a Terminal Manager at its Indianapolis, Indiana facility.
7. Defendant changed Simpson's title to Regional Manager with the same pay of a Terminal Manager when he began his employment with Defendant on or about October 5, 2020.

8. Simpson's work performance met or exceeded Defendant's legitimate expectations at all relevant times.

9. On or about October 27, 2020, Defendant had a load that needed to be timely picked up from Bowling Green, Kentucky.

10. Defendant lacked available drivers to pick up the load in a timely manner.

11. General Manager Sam Wright ("Wright") demanded that Dennis Clarkson ("Clarkson") be sent to pick up the load without yet knowing the results of Clarkson's drug screen. Simpson opposed Wright's unlawful directive, via email: "We can't legally have him run a load until we have a verified negative result."

12. Simpson refused to violate Department of Transportation regulations for which he could have been held civilly and/or criminally liable had he complied, including, but not limited to, being sued for negligence.

13. Simpson had no notice that his employment was in jeopardy. He received no discipline from Defendant.

14. Defendant fired Simpson because he refused to engage in an illegal act for which he could have been held personally and/or criminally liable.

15. All reasons proffered by Defendant for adverse actions taken by it regarding Simpson's employment are pretextual.

16. Simpson has suffered injury as a result of Defendant's unlawful actions, including, but not limited to, lost wages, inconvenience, humiliation, embarrassment, anger, disgust, frustration, and similar emotions as a result of its unlawful acts.

RETALIATION – INDIANA COMMON LAW

17. Simpson hereby incorporates paragraphs 1-16 of his Complaint.

18. Simpson refused to commit an illegal act for which he could have been held personally and/or criminally liable.

19. Defendant fired Simpson because he refused to engage in an illegal act for which he could have been held personally and/or criminally liable.

20. Defendant's unlawful actions were intentional, willful, and done in reckless disregard of Simpson's rights as protected by Indiana common law pursuant to *McClanahan v. Remington Freight Lines, Inc.*, 517 N.E.2d 390, 393 (Ind. 1988).

REQUESTED RELIEF

WHEREFORE, Plaintiff, Robert Simpson, by counsel, respectfully requests that this Court find for him and order that:

1. Defendant reinstate Simpson to the same position, salary, and seniority, or pay front pay and benefits to him in lieu of reinstatement;
2. Defendant pay lost wages and benefits to Simpson;
3. Defendant pay compensatory and punitive damages to Simpson;
4. Defendant pay pre- and post-judgment interest to Simpson; and

5. Defendant pay to Simpson any and all other legal and/or equitable damages that this Court determines appropriate and just to grant.

Respectfully submitted,

s/ John H. Haskin

John H. Haskin, Attorney No. 7576-49

s/ Bradley L. Wilson

Bradley L. Wilson, Attorney No. 21154-49

s/ Shannon L. Melton

Shannon L. Melton, Attorney No. 29380-49

Attorneys for Plaintiff
Robert Simpson

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smelton@jhaskinlaw.com

DEMAND FOR JURY TRIAL

Plaintiff, Robert Simpson, by counsel, respectfully requests a jury trial for all issues deemed triable.

Respectfully submitted,

s/ John H. Haskin

John H. Haskin, Attorney No. 7576-49

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

Robert Simpson v. Apex Express, Inc. d/b/a Cordell Transportation Company, LLC

Case Number	49D05-2102-PL-006706
Court	Marion Superior Court 5
Type	PL - Civil Plenary
Filed	02/25/2021
Status	02/25/2021 , Pending (active)

Parties to the Case

Defendant Apex Express, Inc. d/b/a Cordell Transportation Company, LLC

Plaintiff Simpson, Robert

Attorney

John H Haskin

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Indianapolis, IN 46204-0000

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Attorney

Shannon Lowell Melton

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#2115449, Retained

JOHN H HASKINS & ASSOCIATES

255 NORTH ALABAMA ST 2ND FLOOR

INDIANAPOLIS, IN 46204

317-955-9500(W)

Chronological Case Summary

02/25/2021 **Case Opened as a New Filing**

02/25/2021 **Complaint/Equivalent Pleading Filed**

Complaint

Filed By:

Simpson, Robert

File Stamp:

02/25/2021

02/25/2021 **Appearance Filed**

Appearance

For Party:

Simpson, Robert

File Stamp:

02/25/2021

02/25/2021 Subpoena/Summons Filed

Summons

Filed By: Simpson, Robert

File Stamp: 02/25/2021

03/16/2021 Service Returned Served (E-Filing)

Return of Service

Filed By: Simpson, Robert

File Stamp: 03/16/2021

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

Simpson, Robert

Plaintiff

Balance Due (as of 03/25/2021)

0.00**Charge Summary**

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

Date	Description	Amount
02/25/2021	Transaction Assessment	157.00
02/25/2021	Electronic Payment	(157.00)

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